*Previous reference*

File No. 269-09

1909.

Serial Nos. 1-4,4a,5,6

( Courts )

*Later references.*

Cs 63-11
Cs 9-11

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 1-4,4a,5,6.

**Part B. for** August 11.

SUBJECT.

Arrest of employees of the Telegraph Deptt under the Code of Civil Procedure

Table of Contents

1. From the F. A. Resident. No C.77 dt 25.6.10
   Forwards for consideration some correspondence regarding the arrest of telegraph employees.
2. To the Ft. Resident. No 51 dt 18.7.10
   States that the matter will be considered when the new Civil Pro. Code becomes law
3. To the Registrar of H.C. No 343 dt 5.7.11
   Calls for the opinion of the Chief Court in the matter

G. R. S. 58

P. T. O

Recorded by
A Sadasivan
21.8.11.

4. From the Registrar Ch. Cl. No 274/18 dt 15.7.11
Furnishes the opinion called for.

5(a). From the F.A. Resident No 446 dt 28.7.11.
Requests that the question may be considered early.

5. To the Commissioner, Mysore Bazelle. No J 528 dt 8-8-11.
Notifies that seven days notice should be given before a telegraph employ is to be arrested.

6. To the F.A. Resident. No Pol 150 dt 8-8-11
Forwards copy of 5-8-11

G.R.S.11 ] 1909-10

GENERAL AND REVENUE SECRETARIAT

( Court )

NOTES.

Cto File No. 269-09

FILE HEADING.

Arrest of employes of the Telegraph Deptt under the Civil Pro. Code.

From

The First Assistant to the Resident.

C No. 77 Dated 25-6-10 Received 27-6-10.

Diary No. J 3148 | Enclos. one Spare Copies | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards a copy of the Correspondence regarding the arrest of employes of the Telegraph Deptt under the Civil Pro Code, and requests the Durbar to Consider the advisability of giving timely notice to an officer of that Deptt before such arrests are made.

NOTES AND ORDERS.

Subd. The procedure now adopted while arresting and Summoning Railway and other officials is somewhat analogous to that now proposed to be followed in regard to employes of the Telegraph

NOTES—First sheet

GPB—30,000—3-4-07.

G. R. S. 12 ]
General and Revenue Secretariat.

Ga File No. 269 of 1909-10

Serial No.

Dept. (Please see paras 8, 9, 20 & 28 on pages 104-5, 106-107 and 109 of the Civil Digest)

The Chief Court may perhaps be requested to favour Govt with its opinion. Draft subd for orders.

2.7.1910.

2/7/10

3 Subsection 2 of Sec 554 the Civil Procedure Code of 1908, under which the notification in Burma has been issued seems to be new and has no counterpart in the old Code which is yet law in Myome. Please verify.

4/7/10.

4 Chief Secretary to the Govt. may therefore be informed that the question of issuing a notification on the lines of the first of Burma notification will be considered after the Code of Civil Procedure Bill now under the consideration of the Legislative Council is passed into law.

7/7/10 7/7/10. Yes - pointing draft accdg

7/7/10.

7/7

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12 ]
General and Revenue Secretariat.

Gb. File No. 269 of 1909-10.

Serial No.

Submitted with a draft accordingly.

Sec SN
8.7.10 9/7/10

9/7/10

Sec I

2nd Cr

CSB
12/7/10

SA 13/7/10.

Let me Sec. S. 55 (2) of the C.P.C. referred to.

13/7/10

The proposed reply may be sent.

To the J.A. Resd 13/7/10
No 518 18.7.10.

2 States that the matter will be considered after the new Civil Pro. 9/7/10 Code is passed into law in Mysore 14/7/10

Noted. Provision has been made for this in the new bill vide clause 55 (2). This may therefore be kept in suspense in the Courts see:

19/11/10

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12 ]
General and Revenue Secretariat.

File No. 269 of 1909-10

Serial No.

10 Sub The new Code of Civil Procedure will come into force from the 18th July 1911. We may perhaps now take action in the matter of the issue of the notification under Section 35(2) of it, by first ascertaining the views of the Chief Comb, for which a draft is herewith submitted.

Secy. (122) SW(III)
21.6.1911.

11 Draft may be appd
SH
21/6/11.

12 2nd Draft appd. by 2nd Councillor
22.6.11
UK

SW
5/7/11

13 2 Sec
SH
23/6/11

3 To the Registrar, Chief Comb.
No. 34 & 5.7.1911.
Calling for the opinion of the Chief Comb on the matter.
F.S.

NOTE—Contn. sheet.

GPB—55,000—27-4-09

G. R. S. 12 ]
General and Revenue Secretariat.

C.S. File No. 269 of 1909-10.

5

| Serial No. | |
|---|---|
| 4 | From the Registrar, Chief Court<br>No 274 dt 15.7.1911.<br>States that the Chief Court have no objection to the issue of a notification as proposed in the matter of the arrest of the employees of the Telegraph Deptt. Submitted with a draft notification and a draft reply to the Residency for approval or for other orders<br>Secy (22) SW (11)<br>19.7.1911. |
| 14 | |
| 15 | Drafts may be approved<br>21/7/11 SH<br>Secy<br>2nd Cr |
| | CM<br>24/7/11 |
| 16 | The drafts are all right.<br>Dewan<br>24/7/11 CM<br>SH<br>12883<br>4.8.11<br>Both the drafts are approved by the Dewan. The Chief Court |

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

may be consulted as to the expediency of amending their rule of practice so as to bring it into line with this Norfolk, so that the rule regarding the arrest of all public servants may be the same as for the arrest of telegraph officials. Such a revised rule of practice will avert spectacles such as we had the other day of an Amildar being arrested.

B.O. 5.8.11

Asstt Secy Br III

Issue draft please
& take further action as suggested

7/8/11

Issue 7/8/11

SD 7/8/11

Rec 7/8/11

G. R. S. 12 ]
General and Revenue Secretariat.

Ch File No. 269 of 1909-10.

| Serial No. | |
|---|---|
| 4(a) | From the F.A. Resident. N° 4499 dt 28.7.1911. Requests that the question of the issue of a notification by the Durbar in regard to the arrest of persons in the employment of the Telegraph Dept. may be taken into early consideration. Subd. The main file was submitted to Secy on 21.7.1911. This may perhaps be submitted in Continuation. Legs (222) W(11) 1.8.11. |
| | Put up with that file |
| 5. | To the Compiler Imperial Gazette no. dt 8.8.11 Notice that at least seven days should be given to the Supdt. of Telegraphs, Bangalore Dn before a warrant for the arrest of a telegraph employee is issued by a Civil Court. |
| 6. | To the F.A. Resident no Pol 150 dt 8-8-11 forwards copy of serial (5). |

C 84/C. 269-1-7 (Pts 1-4)

Imperial Gazette Part. I page 331 dt 10-8-11

NOTE—Contn. sheet.

GPB—50,000—12-8-10

C No. 77 Sundry J 3/48-1

Cto File No 269-09
S & L 1.

FROM

MAJOR W. G. GREY, I.A.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

Cto 269-09.
S & L 1.

The Dewan of Mysore.

Dated ~~Bangalore~~ Camp Mysore, 25th June 1910.

SIR,

I am directed to forward herewith a copy of the correspondence noted on the margin*, regarding the arrest of of employes of the Telegraph Department under the provisions of the Civil Procedure Code, and at the instance of the Director ~~General~~ of Telegraphs, Madras Circle, to request that if there be no objection, the Durbar will be so good as to consider the advisability of issuing a notification similar to that issued by the Government of Burma on the subject as regards all classes of employes of the Telegraph Department in the Mysore State.

*Letter No.444/471/1, dated the 27th April 1910, from the Director of Telegraphs, Burma Circle, to the Director General of Telegraphs.

Notification No. 60, dated the 20th April 1910, of the Government of Burma in the Judicial Department.

2. The Director of Telegraphs advises that at least 7 days notice may be given to the Superintendent of Telegraphs, ~~Bangalore~~ Bangalore Division, Bangalore.

I have the honour to be,
Sir,
Your most obedient servant,

W. G. Grey Major
First Assistant Resident.

D.M.

R. P. B.--5-1910.—500.

Copy of letter No. 444/471/1 dated the 27th of April 1910 from the Director of Telegraphs, Burma Circle to the Director General of Telegraphs.

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I have the honour to forward for your information a copy of Judicial Department Notification No. 60 of the 20th instant which has appeared in the local Gazette the reason I have got the local Government to issue this notification, is that an operator in one of the Telephone Exchanges was arrested for a very small debt as he was going to office and, had the Telephone Inspector not been on the spot and advanced the money to satisfy the claim, the exchange would not have been worked and much inconvenience caused to the Public.

2. The same inconvenience, only possibly in an acutor form, would result if a Telegraph Master in an out station were arrested and the office left without any one to work it and I therefore arranged with the Local Government that in Civil cases the Superintendent of the Division concerned - - should receive sufficient warning to enable him to replace a man who was likely to be arrested.

3. I report the matter as it may be advisable to get some such order issued in other provinces than Burma.

---

THE BURMA GAZETTE, April 23rd, 1910.

---

The 20th April 1910.

No. 60. In exercise of the power conferred by sub section (2) of Section 55 of the Code of Civil Procedure, 1908, the Lieutenant Governor is pleased to direct that before a warrant is issued by a Civil Court, for the arrest of an employé of the Telegraph Department, notice shall be given to the superior officer designed in column 2 of the subjoined list, for the period specified in column 3 of the list.

| Division to which employé belongs | Superior officer to be advised | Period of notice |
|---|---|---|
| Rangoon | Superintendent of Telegraphs, Rangoon. | Seven clear days. |
| Moulmein | Superintendent of Telegraphs, Moulmein. | --- do --- |
| Akyab | Superintendent of Telegraphs, Akyab. | Fourteen clear days. |
| Monywa | Superintendent of Telegraphs, Mandalay. | --- do --- |
| Maymyo | Superintendent of Telegraphs, Maymyo. | --- do --- |

G.R.S. 26]

Cts File No. 269/09
Serial No. 2

*Diary No. of letter replied to* 9 3/48

Pol. No. 51.

General and Revenue Secretariat
( )
, *the* 190

To The First Assistant to the Resident.

Date of issue 18-7-1910

Signed by
Mr. S. Balasundaram

Sir,

Adverting to your letter from Camp No 77 dated the 25th June 1910, requesting the Durbar to consider the advisability of issuing a notification similar to the one issued by the Govt of Burma, regarding the arrest of employes of the Telegraph Dept, under the provisions of the C. P. Code, I am directed to state, that the question of issuing a notification that in the Code now in force in the State there is no provision corresponding to Sub Section (2) of Sec 55 of the C. P. C. of 1908 and

over.

SUBJECT.

on the lines of the Govt
of Burma notification
will be considered after
the Code of Civil Procedure
Bill now under Consideration
in the Legislative Council,
is passed into law.

I have &c

SB 7/10

Secretary to Govt

SN 9/7/10

SGG
HCS
8.7.10.

*List of enclosures*

Nil

*Copied by* SRR 16/7

*Examined by* SN

GPB—10,000—20-4-05.

G.R.S. 26]

Diary No. of letter replied to _____

Gs. File No. 269/09

Serial No 3

No. J 34 Encls 2

General and Rev. Secretariat

( Gs )

, the 190 .

To

The Registrar of the Chief Court of Mysore

Date of issue 5-6-11

Signed by mr S. Hiriyannaiya

Sir,

I am directed to forward herewith a Copy of the Correspondence noted on the margin, regarding the arrest of employes of the Telegraph Department under the provisions of the Civil Pro. Code, and to request you to be so good as to favour Govt with the opinion of the Chief Court as to the advisability of issuing a notification under sub section (2) of Section 55 of the new Civil Pro Code which will Come into force from 1st July 1911.

over.

Letter No C 4464 - 1 9 / 471 27.4.1910 from the Director of Telegraphs, Burma Circle to the Director General of Telegraphs.

Notification No 60 9 20.4.1910 of the Govt of Burma to the Judicial Dept.

SUBJECT.

Similar to that issued by the Govt of Burma on the Subject as regards all classes of employés of the Telegraph Deptt in the Mysore State.

2) The Director of Telegraphs, Madras Circle, advises that at least 7 days' notice may be given to the Superintendent of Telegraphs, Bangalore Division, Bangalore.

Please &c.

for Secretary

21/6/11

21/6/11

2-7-1910

List of enclosures,

21/6/11

Copied by

Examined by

MGCPB—20,000-19-12—04.

C h i e f  C o u r t  of  M y s o r e

Bangalore, dated 15th July 1911,

47 9189

The Registrar of the
Chief Court of Mysore,
Bangalore.

To,

The Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments.

S i r ,

With reference to your letter No. J.34/Cts.269-09-3 dated the 5th instant, regarding the advisability of issuing, under Sub Section (2) of Section 55 of the New Civil Procedure Code, a notification similar to that issued by the Government of Burma, laying down the procedure to be followed by ~~the~~ Civil Courts when they issue warrants for the arrest of employees in the Telegraph Department, I am directed to state that the Chief Court sees no objection to the issue of such a notification.

I am to add that the Courts are now guided in the matter by the provisions contained in Civil Rule of Practice No. 137 dated 7th January 1908, a copy of which is enclosed.

I have the honor to be,
Sir,
Your most obedient servant,

N.G. REGISTRAR.

## IN THE CHIEF COURT OF MYSORE.

CIVIL SIDE.

*Rule of Practice No.* 137, *dated 7th January* 1908.

Under the provisions of Section 652, Civil Procedure Code, and in supersession of Rule of Practice No. 85, dated 26th February 1894, the Chief Court issues the following rules for regulating the procedure to be observed in the matter of the issue of warrants for the arrest of public servants and railway officials :—

1. Whenever a Civil Court issues a warrant for the arrest of a public servant, notice in writing of the intended arrest shall be sent by the Court issuing the warrant to the immediate official superior of the person to be arrested. The notice shall be delivered to the official superior, before the warrant is executed, by the amin or process peon to whom the warrant is entrusted for execution, unless it appears to the Court issuing the warrant that the delivery of the notice in this way is likely to delay the execution of the warrant unduly, in which case the notice shall be despatched to the official superior by post or by such other means as appear proper to the Court issuing the warrant before the warrant is handed over to the amin or peon.

2. When a Court has occasion to issue a warrant of arrest of any person in the employment of a Railway Company, the Court shall enter, in the warrant, a direction to the amin or process peon to whom it is entrusted for execution, requiring him, before making the arrest, to acquaint the immediate official superior of the person to be arrested with the fact that the arrest is about to be made. The words "immediate official superior" shall be deemed to include a railway official of the rank of Station Master, Foreman or Inspector, but not one of lower rank.

B. BASAVARADHYA,
For *Registrar.*

III

No. 4499 Encl-1

J 303 Pol. 188

R 29-7-11.

FROM

P. B. WARBURTON, Esq., I. C. S.,

FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

III

To

The Dewan of Mysore.

*Dated Bangalore, 28th July 1911.*

SIR,

Now that the Mysore Civil Procedure Code Bill has been passed into law from the 1st July 1911, I am directed to refer to Mr. Balasundaram Iyer's letter No. 51 Pol., dated the 18th July 1910, and to request that the Durbar will kindly take into their early consideration the question of the issue of a notification in the matter of the arrest of persons in the employment of the Telegraph Department.

2. A copy of the notification issued by the Resident in this matter with regard to the Civil and Military Station of Bangalore is forwarded herewith for information.

I have the honour to be,

Sir,

Your most obedient servant,

P B Warburton

First Assistant Resident.

R. O. 2 —R. P. B.—5-1911.—1,000.

The Hon'ble the Resident in Mysore.

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Notification.

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No. 62, dated Bangalore, the 9th July 1910.

In exercise of the power conferred by sub-section 2 of section 55 of the Code of Civil Procedure, 1908 (Act No. V of 1908), as applied to the Civil and Military Station of Bangalore, the Resident in Mysore is pleased to direct that before a warrant is issued by the District Court of the said Civil and Military Station for the arrest of a person in the employment of the Telegraph Department, seven clear days' notice shall be given to the Superintendent of Telegraphs, Bangalore Division.

"By order,"

Sd/- W.G. Grey, Major,

First Assistant to the Resident.

To - The Publisher, Gazette of India, for publication in Part II of the Gazette.

To

The District Judge, Civil and Military Station,
The Collector and District Magistrate, Civil and Military Station.
The Superintendent of Telegraphs, Bangalore Division.
The Director of Telegraphs, Madras Circle.
The Registrar of the Court of the Hon'ble the Resident in Mysore.

'Copy'

G.R.S. 26]

Cts File No. 269-09
Serial No. 5

*Diary No. of letter replied to*

Zr 109 7/18

Notification No. J 525

General and Revenue Secretariat
( CS . )
, *the* 19 .

~~To~~

In exercise of the power conferred by sub-section (2) of Section 35 of the Code of Civil Procedure, ~~Regulation III of~~ 1911, the Govt of H.H. the Maharaja of Mysore are pleased to direct that at least seven days' notice ~~shall~~ be given to the Superintendent of Telegraphs, Bangalore Division, Bangalore, ~~before~~ whenever a warrant is issued by a Civil Court ~~in Mysore~~ for the arrest of any employee ~~president~~ of the Telegraph Dept in the State

Date of issue 8-8-11

Signed by Mr B S Baladanudaram
Dy Sec

vide Mysore Gazette. Part I page 331 dy 10-8-11.

*over.*

SUBJECT.

a Civil Court for the arrest of an employee of the Telegraph Deptt.

By order.

Secretary

The Compiler Mysore Gazette for publication with a Kannada translation for transmission 200 spare copies.

J.S. 26 & 8/8/11.

Copy to the Registrar of the Chief Court of Mysore for information

B.O.

for Secy

List of enclosures,

Copied by KS 8/8/11

Examined by

GPB—20,000—26-9-10

G.R.S. 26]

File No. 269-o
Serial No. 6.

*Diary No. of letter replied to*

Pol. No. 157
Encl 1.

General and Revenue Secretariat
( )
, *the* 19 .

To The J.A. Resident.

Date of issue 8-8-1911

Sir,

Signed by Mr. S. Balasundaram

In Continuation of this office letter N 51-Pol. dated the 18th July 1910, I am directed to forward herewith a Copy of the notification issued by the Durbar in the matter of the arrest of the employee of the Telegraph Dept under the provisions of the Civil Pro. Code.

over.

Enc. one

I have &c.

SUBJECT.

Code of

Hy

Pol. No. 157 (22) 8/11 (11)
19.7.11.

Copies 8/8/11